

AIR COMMAND AND STAFF COLLEGE

AIR UNIVERSITY

THE IMPACT OF CZECH DOMESTIC POLITICS ON MISSILE DEFENSE AGREEMENTS
BETWEEN THE UNITED STATES AND THE CZECH REPUBLIC

by

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Abstract

This paper explores the impact of Czech domestic politics on the United States' quest to gain Czech support for the radar. It begins with an overview of European Missile Defense and why the United States desires a radar in the Czech Republic. It continues with a description of the political situation in 2002 when the US first approached the Czech Republic with the idea of hosting a radar. It then proceeds to describe the on-going domestic political scene until the bilateral agreements were signed in 2008. The paper explores evidence found in the agreements to indicate the impact of Czech domestic politics and then derives conclusions from the history and evidence observed.

INTRODUCTION

The election of George W. Bush in 2000 brought to office a President intent on reinvigorating US missile defense efforts.¹ In December 2001, President Bush announced withdrawal from the Anti-Ballistic Missile (ABM) Treaty which limited deployment of Intercontinental Ballistic Missile (ICBM) defenses.² In January 2002, Secretary of Defense Donald Rumsfeld revamped the US theater and ballistic missile efforts into the Missile Defense Agency (MDA) and directed US missile defense capabilities to become operational as soon as possible.³ That year the vigorous new policy also led MDA to investigate the feasibility of a European Missile Defense system, intended to improve ICBM coverage for the US and protection for our allies in Europe.⁴ One of the countries the 2002 US team investigated to potentially host part of the European Missile Defense system was the Czech Republic.

Meanwhile, North Atlantic Treaty Organization (NATO) allies in Europe noted the clear intent of the Bush presidency and recognized as well the importance of missile defense.⁵ An early advocate of missile defense in Europe was the Czech Republic's Vice-Chairman of the Foreign Affairs Committee and Chairman of the Standing Delegation to the North Atlantic Assembly, Dr. Jiri Payne. He wrote an analysis on the value of missile defense⁶ and in June 2000 suggested to Czech President Vaclav Havel that the Czech Republic offer to host a US missile defense radar.⁷ Most Europeans were not particularly enthusiastic about either the monetary or political costs the endeavor would likely entail.⁸

In 2002, Czech Defense Minister, Jaroslav Tvrdik supported the idea of ballistic missile defense and indicated Czech support for hosting some aspect of the system.⁹ Subsequently there was a public outcry in the Czech Republic over missile defense involvement.¹⁰ Since 2002, Czech public opinion has been consistently against hosting a missile defense site.¹¹ Regardless,

in 2008 bilateral agreements were signed between the US and the Czech Republic on missile defense.¹² Signing agreements despite public opposition indicates a strong desire on the part of the Czech government to support US efforts. Why is this so?

This paper describes the struggle over missile defense in Czech politics from 2002 to the signing of the Status of Forces Agreement (SOFA) on 19 September 2008. Relations with Russia, NATO and the European Union are touched on to characterize their impact on the Czech population and political elite's calculations, but the focus is on the Czech domestic scene. It explores the wording of the bilateral agreements to discover if public opposition and related Czech domestic politics have had an impact on the United States' goal to place part of a missile defense system in the Czech Republic.

WHY THE US DESIRE FOR A CZECH REPUBLIC MISSILE DEFENSE SITE?

“Geography counts”

- **Lt. Gen. Trey Obering, Director, Missile Defense Agency**¹³

A basic understanding of the proposed European missile defense system and why the Czech Republic is important to it provides insight into the extent of the effort the US engaged in with the Czechs to host the site. The system is designed to protect the United States and Europe from an intercontinental ballistic missile (ICBM) attack from the Middle East.¹⁴

The missile defense system requires anti-missile missiles and a radar to guide them to their target in a location close enough to the Middle East to see and then launch the counter-missiles quickly. The decision making timeline for a missile defense battle sequence impacting the Middle East region, Europe and the United States is roughly between two and twelve minutes.¹⁵ Every second counts in such a tight timeline. Eastern Europe, specifically Poland and the Czech Republic, are ideally positioned to provide the best warning and missile defense capability.¹⁶ See the figure below.¹⁷



2002 CZECH POLITICAL SITUATION

“We need to start talking to our allies about what their desires might be, what our needs might be and see if we can come together in some agreement”

- **Lt. Gen. Ronald Kadish, Director, Missile Defense Agency**¹⁸

In August 2002, when the US missile defense team first surveyed the Czech Republic for viable missile defense sites, the Czech Republic had recently completed parliamentary elections which were judged largely a referendum on whether or not to join the European Union (EU).¹⁹

The incumbent governing party, the center-left Czech Socialist Democratic Party (CSSD) maintained its governing position but instead of reforming the unpopular minority government that had previously existed in agreement with the main opposition party, the Civic Democratic Party (OSD), it formed a new coalition.²⁰ The coalition was very fragile however, having only a single vote majority in the Chamber of Deputies.²¹ The coalition government consisted of the center-left CSSD with the Christian Democratic Union-Czech People's Party (KDU-CSL) and the Freedom Union-Democratic Union (US-DEU). Both the KDU-CSL and US-DEU were center-right.²² The new prime minister was Vladimir Spidla (CSSD) who replaced the retiring Milos Zeman. All of the parties mentioned above were pro-EU membership, although the outspoken leader of the OSD, Vaclav Klaus was loudly critical of many aspects of the EU.²³ The Czech leadership after the fall of the Soviet Union saw NATO and European Union membership as critical for the new Republic.

The Czech Republic entered NATO in March 1999, fulfilling one of its two primary security and stability objectives after the fall of the Iron Curtain. Many Czechs saw NATO as a way to tie the US to Czech defense, since they saw the US as a more reliable security partner than the other Europeans. In the Czech view, NATO membership was a way to mitigate lingering concerns over historic Russian and German domination²⁴ but more importantly to help

stabilize the region,²⁵ tie it economically to the West²⁶ and better prepare it for EU membership.²⁷ Public opinion polls in the 1990s showed “strong popular support for EU membership...in contrast to the substantially weaker support for NATO membership.²⁸” In a trend that exists today as well, those who were more concerned about security tended to value NATO and the US relationship, while those who didn’t see a threat to the Czech Republic were more likely to emphasize the European Union and value NATO less. This supports the assertion that economic concerns were greater than security concerns and most Czechs saw EU membership as the best way to enhance the Czech Republic’s economic well being and NATO as a path to help get it there.²⁹ In 2002, the Czech Republic had not yet become a member of the EU and the government’s desire to demonstrate its status as a good partner to the West was a factor in its initial willingness to host a missile defense site.

Another important result of this election was the increased power of the Communist Party of Bohemia and Moravia (KSCM). KSCM gained 17 seats in the Chamber of Deputies giving it 20.5% of the seats in the Chamber.³⁰ The CSSD had 35%, ODS 29% and the coalition 15.5%.³¹ Since the fall of communism none of the other parties would consider a coalition with the KSCM which was an unrepentant but pragmatic remnant of the Communist Party of Czechoslovakia³² but it’s strong showing in the 2002 election made it more difficult to ignore.

In August 2002 Czech Republic Defense Minister Jaroslav Tvrdik (CSSD) indicated support for hosting a US missile defense site. This sparked “political debate in the Czech parliament demanding that any such radical moves were first discussed in parliament³³” Despite the uproar it caused in the Czech Parliament, in September 2002 while accompanying outgoing President Vaclav Havel on a final trip to the US, he “suggested official dialogue of expert teams about concrete proposals for Czech participation³⁴” in missile defense. President Havel, a

respected figure in the Czech Republic and internationally also expressed his support for a Czech missile defense role.³⁵ Although discussions with the US were very preliminary, Tvrdek apparently saw opportunity for the Czech Republic to improve its air defense capability and also potential technology transfer in the area of passive surveillance, where the Czech Republic already had an existing industry.³⁶ President Havel and his supporters were also pro-American. They saw the US as the only state with real teeth in NATO to guarantee Czech security. Havel was particularly pro-American since as a dissident leader under communism, he felt that it was US efforts led to the downfall of the Soviet Union.³⁷

The Czech Parliament was not nearly as enthusiastic about the President's and Defense Minister's unvetted offer. Prime Minister Spidla officially declared, "that the Czech government had not made any formal decision about eventual Czech participation in the US BMD project and that any results from the initial expert talks would be submitted to the Czech government and parliament for approval."³⁸

This declaration apparently relieved the initial public concern about the ballistic missile defense on Czech soil. After this initial flurry of attention in the Czech government and public, public attention on missile defense was minimal. US teams continued to investigate locations in the Czech Republic and discuss technical issues with its government and military,³⁹ but since the parliament had assurances that it would be informed of any results, it paid little attention until 2006, when it was announced the US was considering the Czech Republic as the potential host of a radar site.⁴⁰ The only exception to this was a short-lived brouhaha in July 2004 over a supposed offer from the Czech government to the US to host an MD facility. The subsequent government denial quickly returned MD to relative obscurity for the Czech public.⁴¹ The period from 2003 to 2006 saw the Czech government preoccupied with finalizing entry into the EU and solving

internal political turmoil. These events set the conditions influencing the MD discussion in 2006 and the reinvigorated controversy upon identification of a site for the missile defense radar in 2007.⁴²

2003 – 2006 CZECH POLITICAL SITUATION

The Czech Republic President Vaclav Havel finished his second term in February 2003 requiring the Czech parliament to appoint a new President. The ensuing political battle among the parliamentarians required three elections⁴³ and three rounds of balloting before the compromise appointment of ODS founder Vaclav Klaus as president resulted.⁴⁴ This result demonstrated the weak unity among Spidla's CSSD coalition as it appeared in the secret balloting a number of coalition members broke ranks.⁴⁵ It also seemed that however publically distasteful, the communists (KCSM) were quietly solicited for support.⁴⁶

Despite its weakness, the government of Prime Minister Vladimir Spidla successfully brought the Czech Republic into the EU on 1 May 2004. It collapsed six weeks later however on 19 July 2004 after the CSSD's poor results in the EU parliament elections and unpopularity over previous actions it had to take to deal with a large fiscal deficit.⁴⁷ One month later Czech Republic President Klaus appointed CSSD leader Stanislav Gross the new prime minister.

Gross was a very popular politician, but his popularity quickly diminished once the spotlight as prime minister brought attention to his shady past. In April 2005, about 8 months after his selection, he resigned in disgrace due to a corruption scandal.⁴⁸ Klaus selected the deputy chairman of the CSSD, Jiri Paroubek, as the new prime minister. Paroubek, although not nearly as supportive as the ODS politicians of the radar, initially indicated some level of support

for hosting a radar site. The Czech Republic had only a brief respite from internal political turmoil since only a year later in June 2006 the parliamentary general elections were due to occur.

The 2006 elections resulted in a different composition but still a repeat of the 2002 split Chamber of Deputies. The ODS gained twenty-three seats, mostly at the expense of the KCSM and KDU-CSL who lost a combined thirty-three seats. The CSSD gained only four seats and a new player, the Green Party (SZ) entered the picture with 6 seats.⁴⁹ This means that the OSD became the leading party and that the formerly governing CSSD coalition was severely weakened. President Klaus appointed ODS leader Mirek Topolánek as Prime Minister and directed him to form a cabinet.⁵⁰ Topolánek struggled to form a new government; Topolánek and the leader of the CSSD, Jiří Paroubek, had strong hostilities to each other which made compromise difficult.⁵¹ Topolánek finally formed a governing alliance between OSD, KDU-CSL and the SZ for a 100 member coalition in Parliament. His coalition cabinet subsequently failed a confidence vote in January 2007 and Topolánek was forced to revamp the cabinet, although inside the same coalition. Topolánek and President Klaus disagreed on this approach, increasing tensions between them. Klaus preferred a “grand coalition of the ODS and CSSD.”⁵² This split parliament situation made political turmoil and an unstable and ineffective government inevitable since it only required a majority vote of no-confidence i.e. 101 votes to unseat the government.⁵³ It also meant that defections from either the governing coalition or the opposition were needed in order to get anything done.

Signaling that more was to come on missile defense, a US site survey team visited the Czech Republic in July 2006.⁵⁴ There were public protests and rumors about US plans for the Czech Republic regarding missile defense began to grow.⁵⁵ Czechs feared the US would declare

the base “sovereign territory” outside of Czech jurisdiction, a situation many Czechs remembered and hated while under Soviet occupation. They also feared it would increase the risk of terror attacks against the Czech Republic. Opinion polls showed almost 50% of the public was against hosting a site.⁵⁶ A grassroots Czech coalition against hosting missile defense called “No Bases Initiative” was formed during this time,⁵⁷ and Paroubek expressed his personal opinion that “a military site wasn’t necessary.”⁵⁸

A little more than a month later, CSSD Chairman Paroubek, now leader of the government opposition began to vocally define a new position for the CSSD regarding missile defense. Paroubek informed the US Ambassador William Cabaniss, “that the CSSD does not want to have US anti-missiles in the Czech Republic.”⁵⁹ The new government’s Defense Minister, Alexander Vondra (OSD), attacked his position claiming Paroubek was only positioning himself for upcoming local elections⁶⁰ and was against Czech “interests in NATO, and even with the decisions made by the previous CSSD-led governments.”⁶¹ Paroubek acknowledged that recent CSSD polls indicated that opposition to hosting a missile defense site was high among CSSD members but insisted his opposition didn’t imply the Czech Republic wasn’t a good ally to the US.⁶² Subsequently, in a clear attempt to begin influencing public opinion, in October the US invited Czech and Polish journalists to visit the missile defense site at Ft. Greely, Alaska and also meet with local community leaders there.⁶³

The dispute between Vondra and Paroubek foreshadowed the lines that were being drawn between pro-radar and anti-radar political leaders. The pro-radar camp emphasized the NATO aspect of MD and the importance of the Czech relationship with the US. The anti-radar camp emphasized its unpopularity with the public both in the Czech Republic and Europe at large. Although not as evident here, they also emphasized the potential that a bilateral relationship with

the US would damage EU and NATO multilateral relationships.⁶⁴ It also demonstrated the fault lines in the Czech political scene. The left leaning parties CSSD, KSCM, the SZ were more likely to be against the radar. The right leaning parties, the OSD and the KDU-CSL, were more likely to be supportive.

2007 – THE RETURN OF THE RADAR CONTROVERSY

The event that brought the radar controversy to center stage was the 19 January 2007 US proposal to begin formal negotiations with the Czech Republic to construct a missile defense radar in the Brdy military area.⁶⁵ Four out of the five parties represented in parliament, OSD excepted, made statements against hosting a radar site.⁶⁶ In the OSD as well, honorary chairman President Klaus wasn't enthralled with the idea, since he was seeking to "balance Prague's pro-Western orientation with excellent Russo-Czech relations."⁶⁷ The Defense Minister Vlasta Parkanova said, "I have never received so many negative reactions from voters and citizens."⁶⁸ Regardless, PM Topolánek was the leader of the ODS and he still maintained that a special security relationship with the US was vital to Czech interests.

Internationally, the Russians announced a revitalized military with new doctrine and increased spending. In addition the potential bilateral relationship highlighted "old Europe" states concerns that the "new Europe" states could harm the EU's relations with Russia, and therefore their growing dependence on Russian energy sources.⁶⁹ European security pundits felt there was a real question if a bilateral US MD system would ever become part of a NATO system.⁷⁰

The formal response from the Czech Republic to the US negotiations proposal came at the end of March 2007, when Prague officially agreed to enter negotiations on missile defense.⁷¹ The public outcry increased. Members of the No Bases Initiative “Ne základnám” went on a hunger strike and the coalition started to gain international attention and significant growth in participation.

The US, in another attempt at public relations and to affect the support for the radar in the Czech Parliament, invited parliament members to see the Ground Based Radar-Prototype (GBR-P) X-band radar on Kwajalein atoll in the Pacific.⁷² This radar was the one that the MDA was proposing be upgraded and moved to the Czech Republic and be renamed the European Midcourse Radar (EMR).⁷³ This effort did appear to have limited success, with some parliament members stating that they might reconsider their position on the radar.

At the April 2007 Bucharest summit, NATO leaders expressed support for the US European missile defense efforts.⁷⁴ The NATO - Russia Council also convened and discussed missile defense issues, acknowledging the growing concerns and disagreement from Russia on US missile defense sites in Central and Eastern Europe.⁷⁵ The Russian Foreign Minister warned in a response to reporters regarding the Czech missile defense site, “(it) radically changes the security situation in Europe, deploying a strategic component of the US armed forces on the continent. Any action will have counteraction. With the appearance of defensive arms new offensive arms always appear.”⁷⁶ Czechs closely observed US attempts to reduce tensions with Russia over missile defense. Statements such as these from Russia did nothing to decrease the fears of the anti-radar population that it would make them a target.⁷⁷ Czech public opinion polls were showing about sixty percent were opposed to the radar.

The first round of official negotiations between the US and the Czech Republic regarding a Status of Forces Agreement and missile defense cooperation began in May⁷⁸ and site survey teams started to visit the Brdy area.⁷⁹ The Topolanek government, perhaps realizing they needed to better focus their pro-radar campaign, appointed a spokesman and Communications Coordinator for missile defense.⁸⁰ This initiative apparently didn't help much because the opposition to the radar only continued to grow. Demonstrations were held, and more than two dozen Mayors from the Brdy region sent a letter to US Congress members explaining why they didn't want the radar.⁸¹ Additionally it was becoming even clearer to the public that Paroubek and Topolanek were increasingly incapable of overcoming their personal dislike for each other in order to achieve some sort of national consensus on the radar issue, much less anything else important to the country.⁸²

Paroubek was articulating at this point a weakly pro-radar CSSD position, while simultaneously covering his bases with the anti-radar crowd. He said CSSD would support the radar if it was part of NATO and if a public referendum was held. Yet high level party officials continued to appear at anti-radar demonstrations.⁸³ In early June, US President George Bush visited the Czech Republic⁸⁴ en route to a G-8 summit and was greeted by hundreds of people protesting the radar as well as the Iraq war which was very unpopular among the Czechs.⁸⁵ Bush didn't address the Czech public, but did make time to meet Paroubek,⁸⁶ indicating from the US perspective his power to influence votes in Parliament was respected and winning his support important to final success.

In early July 2007 the Czech State Security Council recommended that the US radar be placed a little more than a mile from the village of Misov.⁸⁷ Later that month the Czech government began a media offensive with a media day at the proposed MD location in Brdy.⁸⁸ It

sent out its spokesman on the issue to talk to the nearby villages to once again try to shape public opinion. It had apparently negligible impact. The majority continued to fear health risks, loss of property value, foreign military occupation and the area becoming a target.⁸⁹ In addition they were upset at the broken promise by the government that the radar would not be located closer than 3 miles to a town.⁹⁰ Local polls showed low local support for the radar.

There was a lot of misinformation on the missile defense system such as it wouldn't defend the Czech Republic, only the US. There were also continuing concerns about the health impacts. The Czech government sought to improve the accuracy about the radar and affect public discourse by releasing a 200-page analysis by the Czech ministries of Health and Defense that concludes people would not be affected by the radar beam.⁹¹ Knowing that opinion polls demonstrated that a national referendum would doom the radar the government continued to insist that the issue should be decided by parliament. This approach, while necessary for any hope of successful radar implementation, contributed to increasing feelings that it was being imposed by a bullying government against their interests.

Negotiations were continuing throughout this time as well as visits from high level American leaders such as Secretary of Defense Robert Gates, Congressman Trent Franks (R-AZ) and Ellen Tauscher (D-CA) of the House Armed Services Committee. The Czech concern over sovereignty was clearly getting through to the US negotiating team, as the negotiating teams announced in November that a Czech Commander would also be in place on the US radar site.⁹² Given that releasing details of an on-going negotiation is a bit unusual, this announcement was intended to impact public discussion by demonstrating that Czech concerns were being addressed in the negotiations, and it wasn't a railroading by the US. This wasn't the only area in which the US and Czech governments worked together to try to improve support for the radar.

From the start in 2002 there was interest from the Czechs in technology sharing and potential contracts for Czech industry.⁹³ In 2007 the Missile Defense Agency sought to use this to positively impact support for the radar. While it may be that there are sophisticated technologies in Czech industry that MDA was interested in, the difficult and time-consuming effort involved in sharing US technologies with the Czechs makes this effort being purely apolitical very doubtful. In addition there wasn't much of an attempt to hide that there was an element of *quid pro quo*. Soon after MDA initiated US-Czech discussions on supporting Czech research and scientific projects,⁹⁴ Czech newspapers reported that "The U.S. plans to invest about USD 600,000 this year in Czech science and research as an "offset" to the planned construction of a U.S. missile defense radar in the Czech Republic."⁹⁵

In January 2008, MDA Director Gen Obering attended a "Czech-US BMD Industry, Research and Business Seminar" in Prague⁹⁶ demonstrating US commitment to the effort. This shared research effort met with suspicion by some Czech industries, seeing it as a ploy to entice their best employees to work for US companies.⁹⁷ While this had no impact on the public discussion, it is difficult to gauge what impact it had among the technical and business elites. It may have been a very astute move by the MDA. Given that it appeared Topolaneck would continue to insist the decision whether or not to host the radar resided in the parliament, it could have impacted parliamentarians with business connections.

2008 – BEGINNING OF THE END

2008 brought home the fact for both the pro-radar/anti-radar US and Czech interests that the Bush administration was coming to an end. A new U.S. administration brought with it the risk that US priorities would change. This drove the pro-radar committed parties in the US i.e. the Bush administration, MDA and the State Department, as well as the pro-radar Topolanek government to strive to bring the negotiations to a conclusion before the Bush administration ended. It also brought more energy to those against the radar.

On 27 February 2008, PM Topolanek and Pres Bush met in the White House to discuss MD⁹⁸ in a final push to close the deal. Topolanek managed to close a bilateral agreement with the US to reduce costs and paperwork for visas to the US. Speakers such as Robert Bell, Senior Vice-President of Science Applications International Corporation (SAIC) and missile defense expert were brought to Prague to advocate for the system.⁹⁹ In addition, the US Secretaries of Defense and State met with the leadership of Russia to try to end Moscow's continued opposition to European missile defense.

Throughout 2007, the Czech opposition had gotten increasingly sophisticated and more international groups and opponents of missile defense were engaging to support the Czech resistance. By January 2008, Greenpeace had organized prominent anti-missile defense voices such as former US Assistant Secretary of Defense and Director, Operational Test and Evaluations Philip Coyle to come to the Czech Republic. They arranged for him to meet local anti-radar groups and speak at various venues, including the Czech Parliament. He also participated in numerous television, print and radio interviews.¹⁰⁰ Coyle wrote a blistering critique of missile defense that was published in the Spring edition of an international affairs

journal.¹⁰¹ It prompted an equally blistering response from MDA director Lt Gen Obering.¹⁰² Paroubek had become unequivocally anti-radar by this time and was threatening CSSD parliamentarians if they broke with this position in a vote on the matter.¹⁰³ The opposition to the radar had grown so much that some claimed it to be the largest civic movement in the Czech Republic since the 1989 Velvet Revolution, which peacefully overthrew the Soviet era Communist regime. There were almost 60 civic groups working together against the radar.¹⁰⁴ A petition was on-going that had over 100,000 signatures against it.

In March 2008 US Secretary of defense Gates offered to allow Russians to inspect the site. Russia demanded that it should have a presence on the radar site, to ensure it wouldn't be used against Russia. Although the US consulted with the Czech government on this issue, this caused concern in the Czech Republic, giving the impression that issues would be decided by international powers about Czech soil without Czech input or approval. The Czech Foreign Minister Schwarzenberg issued a statement emphasizing that Russians would not be allowed on Czech soil without coordination with the Czech government.¹⁰⁵

Despite the Czech political turmoil, US Secretary of State Rice and Czech Foreign Minister Schwarzenberg announced on 3 April agreement was reached on a bilateral Ballistic Missile Defense document.¹⁰⁶ It was estimated 2000 people descended on Misov, the village near the proposed radar site in protest. Greenpeace activists trespassed onto the proposed radar site and refused to leave.

Acting Under Secretary for Arms Control and International Security John Rood began increasing the pressure on the Czech Parliament to close the deal, stating in an address at a conference in Prague that once the missile defense agreement and SOFA were signed, "the

Czech Parliament must act later this year.”¹⁰⁷ The missile defense agreement was finally signed on 8 July 2008.¹⁰⁸

Within days of the signing, the supply of oil to the Czech Republic from Russia was cut in half due to “technical” difficulties.¹⁰⁹ Seventy percent of the Czech Republic’s oil came from Russia at this time. The Czech government officially bought the Russian’s explanation although it was transparently an attempt to pressure the Czechs on missile defense. The last thing the Topolaneck government wanted was to admit to the anti-radar crowd negative impacts from the radar agreement with the US. The oil supply wasn’t fully restored to the Czech Republic until a month later. The Czech government pressed on with the negotiations and on 19 September 2008 the SOFA was signed,¹¹⁰ as well as a US-Czech Declaration on Strategic Defense Cooperation.

The next step for these documents is ratification by the Czech Parliament. This isn’t an easy task for the Topolaneck government to achieve, given the unpopularity of the radar and the fact that parliament is split down the middle between left leaning and right leaning groups. The ODS and KDU-CSL members would likely support, but the Czech Green Party was in more of a bind. Although it is part of the governing coalition, the radar is poison to the Green Party base. They held an official position that the radar had to be part of a NATO effort for any chance of their support. There was no change that parliament communist members would support the radar. Any efforts to peel off CSSD members would be met by fierce resistance from Party Chairman Paroubek who had ultimately staked his reputation on an anti-radar position in direct contrast to PM Topolaneck staking his reputation to a pro-radar position. The impact of Czech domestic politics can be seen in many aspects of the bilateral agreements.

THE POLITIC'S IMPACT ON THE WORDING OF THE BILATERAL AGREEMENTS

The bilateral documents clearly reflect the Czech domestic struggle over the radar. How the new relationship is discussed reflects domestic concerns over sovereignty, the environment, and relations with NATO and Russia.

Even though these are bilateral agreements between the US and the Czech Republic both documents emphasize the centrality of NATO. This was a key issue to have a chance of gaining sufficient support in the Czech parliament. The Ballistic Missile Defense Radar Site (BMD) agreement's entire preamble¹¹¹ is essentially an extended argument that missile defense is a NATO obligation. There is numerous mention of the fact the missile defense is supported by NATO and will enhance NATO security. The preamble implicitly acknowledges however that it is in reality a US only system when it states, "Reaffirming their common understanding on *future efforts* to achieve the *maximum possible interoperability* between the *United States* ballistic missile system and a *NATO* missile defense system"¹¹² The preamble of the document, paragraph 3 of Article II and self-evidently Article III, *NATO and the Ballistic Missile Defense Radar*, are clearly designed to address the concerns of parliamentarians for whom a tie-in with NATO is critical, such as the Green Party members of Topolánek's governing coalition.¹¹³

The bilateral SOFA agreement didn't require any tie-in with agreements made under the auspices of NATO. It could very well have been written without the word NATO being mentioned once since the radar site was being accomplished directly through US agencies and not via NATO. Regardless of this, the bilateral SOFA is written to appear as a NATO SOFA supplement.¹¹⁴ The SOFA agreement mentions the NATO SOFA throughout. It expands upon the NATO SOFA providing exceptions and additions. While not required, it does make sense to

use the NATO SOFA as a starting point since it's one already agreed to by the Czech Republic. This could have been done by simply inserting NATO SOFA text rather tying the agreement to the NATO SOFA by consistently referencing it. That approach would have been far less agreeable for Czech domestic politics.

Article V, *Radar Site Personnel* in the BMD agreement addresses Czech domestic concerns about hosting foreign forces on its territory. The document states that the maximum number of forces will not exceed 250. The initial estimates provided by the MDA were larger than 250, based primarily on the Army's plans for the missile site in Poland.¹¹⁵ The number of forces to be allowed in the Czech Republic was a big concern during negotiations. The Czech negotiating team wanted to minimize the number as much as possible, reflecting concern over foreign occupation. When an unofficial, internal Air Force paper suggesting no more than 250 people were needed accidentally got into their hands, they seized upon it and made it part of the official record thereby freezing the number at no more than 250.¹¹⁶ Article V also emphasizes obligations under the NATO SOFA to refrain from political activity as well as the need for the United States to do the same. This reflected again the emphasis on NATO while implicitly acknowledging the independence of the agreement.

The BMD agreement Article V, paragraph 5 reflects the uproar in the Czech Republic over a Russian presence at the site as well as US desires to assuage Russian objections to establishing the site. It clearly states that if a third party government wants to visit the radar site that requests, "must be submitted by their government to the Czech Republic through diplomatic channels."¹¹⁷

The concern over foreign forces on Czech territory can also be seen in the BMD agreement Article IX and which requires a Czech Commander to be on site at the radar¹¹⁸ and

Article X which discusses BMD command and control. Due to the highly classified technology, operational aspects of the radar will be US Only and off limit to Czech participation. In accordance with this and the US-Czech SOFA, US personnel both military and civilian will be under the jurisdiction of the US therefore a Czech “Commander” wouldn’t really be in command of anything. The details of the agreement in Article IX reveal that the position might more appropriately be named a Czech liaison, facilitator or coordinator. A Czech liaison however plays much more poorly in the Czech domestic discussion than a “Czech Commander.” Article X paragraphs four through nine explicitly includes the Czech Republic in ballistic missile defense plans and operations but regardless the actual level of inclusion is left to a future “implementing arrangement” mentioned in paragraph 10.

The wording of Article VII *Possession and Use of Weapons* in the SOFA agreement reflects concerns over sovereignty that were highlighted by concurrent international media attention during negotiations regarding a US contractor firm in Iraq. Blackwater, a civilian security firm contracted to protect US Department of State officials was accused of indiscriminate, out of control gunfire killing 14 innocent civilians in a shootout in Iraq.¹¹⁹ This received widespread media attention. During this time, AFSPC initiated proposals forwarded to the US SOFA negotiating team that the US might want to use contractors as opposed to military members to protect the site. This was a plus to minimize the footprint of the US facility, but ran smack into a major media and sovereignty issue. Article VII paragraph one states, “Czech authorities shall *consider sympathetically* (author’s emphasis) requests by United States military authorities to allow members of the civilian component to carry and possess weapons for the purpose of protection in the performance of their protective or investigative functions...” The words “consider sympathetically” were very likely the result of intense negotiation and debate

due to the Czech domestic concerns, and were not nearly the definitive statement allowing contractors likely preferred by the US.

Both the Ballistic Missile Defense Agreement and the SOFA agreement have sections explicitly discussing environmental responsibilities.¹²⁰ While this is not unusual for agreements of this kind, it does address the Czech public's concerns over health and environmental impacts from the radar.

The impact of Czech domestic political needs can be seen in the fact that on 19 September 2008 when the SOFA was signed a document titled, "The Declaration on Strategic Defense Cooperation" was signed as well. This document creates a bilateral High-Level Defense Group (HLDG) to further the "strategic defense relationship."¹²¹ It also explicitly states the US "will endeavor to assist the Czech Republic" to obtain "medium transport lift and logistical support capabilities" and "support Czech deployments overseas." It also states the US will "explore" and "support" investments and cooperation in research and development activities for security, defense and technology.¹²² This document indicates the need for the US to sweeten the deal for the Czechs in order to get the domestically unpalatable SOFA signed.

CONCLUSIONS

A review of the Czech domestic drama regarding missile defense from 2002 to 2008 reveals a number of consistent themes. Primarily it shows that if the US wants to achieve its objectives in a foreign country it has to adjust to the domestic concerns facing the potential partner. Contrary to popular opinion, the US may have a big stick, but the US can't just beat its allies with it. The US has to 'play ball.' It also supports the idea that careful understanding of foreign domestic pressures will increase the chances of the US achieving its aims. The

breakdown of the pro and con camps for the radar shows a fault line in support for US agenda's that may come into even more play in the future, the anti-Americanism of Europe's left.¹²³

As of this writing, it is a few days before the new US President, Barak Obama, is due to visit the Czech Republic. The pro-American government of an ally, led by Mirek Topolánek has fallen. While Topolánek's support for the EMR against the wishes of the majority of the Czech people may not have been the primary reason, it was a factor in his downfall. The successful placement of a US missile defense site in the Czech Republic is very much in doubt, given reluctance from both countries.

What lessons can be drawn from this endeavor for American policy? First, we had better be certain that when we ask our allies to 'fall on their sword' on our behalf we don't change our minds and let the sacrifice be useless. A question to ask ourselves is did the US negotiators and government officials give the wrong signal to the Czechs that MD was vital to the US regardless of political party or governing US administration? It's self-evidently pointless to sacrifice allies over nothing.

Second, the radar controversy revealed internal fault lines in the attitudes and values of our Czech allies in relation to the US. In at least one country in Donald Rumsfeld's "new Europe" it appears even less likely as time goes on that the US will have an ally willing to stand with it in NATO discussions and as a pro-American voice in the EU. How this will play out on the world stage is yet to be seen, but it would be a mistake for US policy makers to assume that "new Europe" will continue to be a more active, reliable partner than "old Europe."

¹ Munkova, *Who Killed the ABM*, 31

² Fergusson, *NATO, Europe and Theatre Missile Defence*, 50

³ Rumsfeld, *Missile Defense Program Direction Memorandum*, 1

⁴ Obering, Lt Gen Trey. "Welcome Address." Multinational Ballistic Missile Defense Conference. 19 July 2004.

⁵ Fergusson, *NATO, Europe and Theatre Missile Defence*, 49 See also the NATO, *Prague Summit Declaration 2002*, 4g

⁶ Lagunina, Irina. "Czech Republic: Czechs Respond To Proposed U.S. Missile-Defense Shield." *Radio Free Europe*. 26 February 2007. <http://www.rferl.org/content/Article/1074939.html>

⁷ Payne, Dr. Jiri. Vice-Chairman of the Foreign Affairs Committee, Parliament of the Czech Republic. To Czech President Vaclav Havel. Letter, 13 June 2000. www.payne.cz/nmd/dopis.htm see also Handl, Vladimir. "The Czech Perspective." *German Foreign Policy in Dialogue*, No. 2, July 2000. <http://www.deutsche-aussenpolitik.de/newsletter/issue02.html#authors>

⁸ Chamberlain, *European Governments' Official Positions*, 1. See also commentary by Dr. Ian Davis, Director of the British American Security Information Council (BASIC), "Beware Bush's summer charm offensive" in UK Guardian newspaper 14 July 2002.

⁹ Khol, Radek. "The Czech Republic and Missile Defence." In *British American Security Information Council (BASIC) Papers*, edited by Nigel Chamberlain. February 2003, Number 42.

¹⁰ Ibid.

¹¹ Hildreth. *Long-range Ballistic Missile Defense in Europe*. 8. (2008 report). At the lowest point between 2002 – 2008 opposition to the radar was at roughly one half, at the highest two thirds of the public opposed.

¹² Three bilateral agreements were signed: Ballistic Missile Defense Agreement - 8 July 2008, Supplemental SOFA Agreement and a Declaration of Strategic Defense Cooperation - 19 Sept 2008

¹³ Obering, Lt Gen Trey. "Welcome Address." Multinational Ballistic Missile Defense Conference. 19 July 2004.

¹⁴ O'Reilly, Brig Gen Patrick. Address. "Missile Defense Program Overview." Atlantic Council of the United States. 19 Apr 2007.

¹⁵ Edelman, Eric. United States Under Secretary of Defense For Policy. DoD News Briefing Transcript.

<http://www.defenselink.mil/transcripts/transcript.aspx?transcriptid=3923>

¹⁶ O'Reilly, Brig Gen Patrick. Address. "Missile Defense Program Overview." Atlantic Council of the United States. 19 Apr 2007.

¹⁷ Missile Defense Agency. "European Capability Initiative." Fact sheet. <http://www.mda.mil/mdalink/pdf/esi.pdf>

¹⁸ Kadish, Lt Gen Ronald. 2002 MD Brief <http://www.defenselink.mil/transcripts/transcript.aspx?transcriptid=3519>

¹⁹ OSCE-ODIHR *Final report on the parliamentary elections in the Czech Republic 14-15 June 2002*. 2 See also Bynander. *Poland and the Czech Republic*. 67 see also Inter-Parliamentary Union (IPU). "Czech Republic elections held in 2002."

²⁰ Note that the Czech Republic is a bicameral parliamentary democracy. Jane's Information Group. 14 February 2008. <http://sentinel.janes.com/subscribe/sentinel/> "The head of state of the Czech Republic is the president who is elected for a term of five years by a joint session of both chambers of the legislature and may serve no more than two consecutive terms in office. The president...holds some legal powers, the most important of which is the right to veto any bill passed by parliament, with the exception of constitutional bills... The highest organ of executive power is the Council of Ministers, which is composed of the prime minister, deputy prime minister and other ministers. The president of the republic appoints the prime minister and it is on the prime minister's recommendation that the cabinet is appointed. As the head of government the prime minister wields considerable powers under the constitution including the right to set the agenda for most foreign and domestic policies whilst the government has sole legislative power over the state budget... Legislative power is vested in the Parliament comprising two chambers, the Chamber of Deputies (*Poslanecká Snemovna*) and the Senate (*Senát*). The Chamber of Deputies has 200 members elected for a four year term under a proportional voting system. The Senate, consisting of 81

members, is elected for six-year terms with one-third elected every two years. (Jane's)" Also note that in the Czech parliamentary system the members of the Chamber of Deputies can remove the prime minister and his cabinet by a simple majority vote of no-confidence. The president would then be required to select a new prime minister who would then select a new cabinet.

²¹ United Nations Public Administration Network (UNPAN). *Nations in Transition 2004 –Czech Republic*.

<http://unpan1.un.org/intradoc/groups/public/documents/nispacee/unpan016574.pdf>

²² Inter-Parliamentary Union (IPU). "Czech Republic elections held in 2006." see also Hanley. *Political Context of EU Accession*. 4, 7. See also Political Risk Services. "Czech Republic Country Forecast 2003."

²³ Hanley. *Political Context of EU Accession*. 6.

²⁴ Szayna, Thomas S. "The Czech Republic: A small contributor or a Free Rider?" In *America's New Allies: Poland, Hungary and the Czech Republic in NATO*, edited by Andrew A. Michta. 117-118, 125-126, 127 see also Bordonaro, Federico. "The trans-Atlantic BMD showdown." *International Relations and Security Network (ISN)*. 15 Feb 2007.

²⁵ Ibid, 119-120.

²⁶ Ibid, 115-116, 127.

²⁷ Ibid, 120.

²⁸ Ibid, 116.

²⁹ Ibid, 115-116.

³⁰ Inter-Parliamentary Union (IPU). "Czech Republic elections held in 2002."

³¹ Ibid.

³² Jane's Sentinel Country Risk Assessments. "Czech Republic - Internal Affairs." Jane's Information Group. 14 February 2008. See also Hanley. *Political Context of EU Accession*. 8-9. See also Political Risk Services. "Czech Republic Country Forecast 2003."

³³ Khol, Radek. "The Czech Republic and Missile Defence." In *British American Security Information Council (BASIC) Papers*, edited by Nigel Chamberlain. February 2003, Number 42.

³⁴ Khol, Radek. "The Czech Republic and Missile Defence." In *British American Security Information Council (BASIC) Papers*, edited by Nigel Chamberlain. February 2003, Number 42.

³⁵ Geracht. *European Missile Defense: Looking*. 3. See also Kral. *Views on American Foreign Policy*. 77.

³⁶ Prague CTK, Czech news agency. "Czech Republic seeks joining missile defence shield project – minister." www.opensource.gov. 17 Sep 02. See also Hildreth, Steven A. *CRS Report for Congress: Long-Range Ballistic Missile Defense in Europe*. 9. See also Khol. *Czech Republic: Prague's Pragmatism*. 482. See also the Czech Republic website for further information on Czech military industry. The Czech Republic had a significant military industrial and technology industry in the communist era but it was greatly reduced after the breakup of Czechoslovakia. <http://www.czech.cz/en/economy-business-science/general-information/economy-development-and-potential/industry/armament-industry?i=>

³⁷ Geracht. *European Missile Defense: Looking*. 3. See also Kral. *Views on American Foreign Policy*. 71.

³⁸ Khol. *Czech Republic and Missile Defence*. 16.

³⁹ Khol. *Czech Republic: Prague's Pragmatism*. 476, 480.

⁴⁰ Hildreth. *Long-Range Ballistic Missile 2008*. 6.

⁴¹ Khol. *Czech Republic: Prague's Pragmatism*. 480.

⁴² Darby. *Radar Interference*. 1.

⁴³ United Nations Public Administration Network (UNPAN). *Nations in Transition 2004 –Czech Republic*.

<http://unpan1.un.org/intradoc/groups/public/documents/nispacee/unpan016574.pdf> . 5.

⁴⁴ Ibid. 5.

⁴⁵ Ibid. 5.

⁴⁶ Ibid. 5.

⁴⁷ Ibid. 5. See also Czech Statistical Office. "2004 EU Parliamentary results"

<http://www.volby.cz/pls/ep2004/ep141?xjazyk=EN>

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- ⁴⁸ Jane's Sentinel Country Risk Assessments. "Czech Republic - Internal Affairs." Jane's Information Group. 14 February 2008.
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- ⁵⁰ Jane's Sentinel Country Risk Assessments. "Czech Republic - Internal Affairs." June 2006 parliamentary elections
- ⁵¹ Ibid.
- ⁵² Political Risk Services. "Czech Republic Country Report." Syracuse NY, PRS Group Inc, 2009
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- ⁵⁵ Gallina, Nicole. "Czech opposition to US base grows." *International Relations and Security Network (ISN)*. 24 August 2006.
- ⁵⁶ Ibid.
- ⁵⁷ No Bases Initiative. "About the Initiative." http://www.nezakladnam.cz/en/425_about-the-initiative
- ⁵⁸ Ibid.
- ⁵⁹ World News Connection. "Paroubek insists Czechs behave as US Ally Regardless of Stance on Missile Base." *Czech News Agency CTK*. 4 September 2006. See also World News Connection. "New Czech foreign minister slams ex-premier over stance on US missile base." *Czech News Agency CTK*. 4 September 2006.
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- ⁶² Ibid.
- ⁶³ US Department of State. *U.S.-Czech Events Related to Missile Defense Cooperation*. <http://prague.usembassy.gov> see also US Department of State. "MDA Base at Fort Greely, Alaska." Foreign Press Centers Archive. 17-20 October 2006. <http://2002-2009-fpc.state.gov/75507.htm>
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¹¹¹ US Department of State. *Agreement Between the Czech Republic and the United States of America on Establishing a United States Ballistic Missile Defense Radar Site in the Czech Republic*. Office of the Secretary of State. 8 July 2008.

¹¹² Ibid. 3.

¹¹³ Hildreth. *Long-Range Ballistic Missile*. C-10.

¹¹⁴ US Department of State. *Agreement Between the United States of America and the Czech Republic on the Status of United States Forces Present in the Territory of the Czech Republic*. 19 September 2008. Preamble, para 4.

¹¹⁵ Based on Author's personal knowledge while working the issue at Air Force Space Command.

¹¹⁶ In December 2007 Air Force Space Command (AFSPC) was selected to be the responsible Major Command for the system if and when it became operational. AFSPC, in contrast to Army thoughts on the Poland installation at the time, had a small 'footprint' vision in order to minimize their costs. AFSPC staff wrote a bullet paper on AFSPC's vision and initial concept for the site which accompanied the staff on a visit to the radar site. Even though the bullet paper was intended for internal use and not distribution, it apparently went from hand to hand until the negotiating teams saw it. They immediately insisted the document be read into the official record. The number of people suggested in the paper had very little factual basis since AFSPC had limited data from MDA on the radar system. It was only a wag intended to encapsulate AFSPC's unofficial position in discussions with MDA, as well as for discussion with AFSPC senior leaders. Author's personal knowledge from working in the AFSPC missile defense section.

¹¹⁷ US Department of State. *Agreement Between the Czech Republic and the United States of America on Establishing a United States Ballistic Missile Defense Radar Site in the Czech Republic*. Office of the Secretary of State. 8 July 2008. Art V/5.

¹¹⁸ Ibid. Art IX/2.

¹¹⁹ Risen, James and Williams, Timothy. "US Looks for Blackwater Replacement in Iraq." *New York Times*. 30 January 2009. Article provides details of the event. Important to negotiations known due to conversations by the author in 2008 with people at AFSPC knowledgeable about the negotiations.

¹²⁰ US Department of State. *Agreement Between the Czech Republic and the United States of America on Establishing a United States Ballistic Missile Defense Radar Site in the Czech Republic*. Office of the Secretary of State. 8 July 2008. Art XV. See also US Department of State. *Agreement Between the United States of America and the Czech Republic on the Status of United States Forces Present in the Territory of the Czech Republic*. 19 September 2008. Art XXX.

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